

visual perspective transmitted from more than one venue-based data source" (Claims 33 and 34).

"*Simultaneous*" as referred to in the claims in the context of "video streaming simultaneously from more than one visual perspective within an entertainment venue" means that more than one video image is received, processed and viewed at the same time on a single display associated with a hand held device as described throughout Applicants' specification and as shown in Applicants' Figure 7.

"Cameras" used in the invention as claimed and explicitly defined in the specification can include wide-angle, wireless and fixed cameras.

"Communications" between cameras and hand held devices as claimed and explicitly defined in the specification can include use of public or private, secured or non-secured wireless equipment (e.g., servers, gateways, transmitters) and communications networks (e.g., wireless LAN, CDMA, GSM) as described with respect to FIG. 10 in the application.

III. REMARKS

Applicant respectfully traverse the rejection of Claims 1-7, 11-17, 19, 21-25, 27-28, and 30-40 under 35 U.S.C. 103(a) as being unpatentable over Strandwitz in view of DeLuca; and the rejection of claim 17 under 35 U.S.C. 103(a) as being unpatentable over Strandwitz in view of DeLuca as applied to claims 1-7, 11-17, 19, 21-25, 27-28, and 30-40, and further in view of Harris for the following reasons.

A. Independent Claims 1, 16, 17, 19, 33, 34 and 35 read as follows:

1. A method for receiving venue-based data at a hand held device, said method comprising the steps of:

wirelessly receiving data at a hand held device wherein said data includes video streaming simultaneously from more than one visual perspective within an entertainment venue and wherein said data is transmitted from at least one venue-based data source at the entertainment venue;

processing said data for display on a display screen associated with said hand held device;

and

displaying video of only one visual perspective within said entertainment venue selected

from more than one visual perspective simultaneously streaming as video on said display screen in response to a user selection of said only one visual perspective from the more than one visual perspective a user input at a user interface associated with said hand held device.

16. A method for wirelessly receiving venue-based data at a hand held device, said method comprising the steps of:

wirelessly receiving venue-based data at a hand held device, said venue-based data including more than one video perspective captured by more than one video camera located within an entertainment venue;

processing said venue-based data for simultaneous display as video of the more than video perspective on a display screen associated with said hand held device;

displaying said venue-based data on said display screen; and

enabling a user of said hand held device to view and manipulate said venue-based data through a user interface associated with said hand held device.

17. A method for receiving at least one visual perspective of a venue-based activity at a hand held device, said method comprising the steps of:

simultaneously receiving at a hand held device more than one visual perspective of a venue-based activity in a form of more than one video signal transmitted from at least one venue-based data source at an entertainment venue;

processing said at least one visual perspective for simultaneous display as more than one video signal on a touch-sensitive display screen associated with said hand held device;

simultaneously displaying said more than one visual perspective on said touch-sensitive display screen, thereby enabling a user of said hand held device to simultaneously view more than one venue-based visual perspectives through said hand held device in the form of video; and

displaying a single visual perspective on said display screen in response to a user's selection of said single visual perspective from among said more than one visual perspective being simultaneously displayed on the touch-sensitive display screen after the user touches the touch-sensitive display screen at a point where the touch-sensitive display screen overlays the single visual perspective.

19. A hand held device adapted for simultaneously receiving more than one video perspective captured by more than one video camera located within an entertainment venue, comprising:

at least one receiver adapted for simultaneously receiving more than one video perspective;

a processor adapted for processing said more than one video perspective for simultaneous display of at least two video perspectives on a display screen associated with said hand held device; and

a display screen adapted for simultaneously displaying the at least two video perspectives.

33. A system for wirelessly receiving venue-based data including more than one video stream from more than one visual perspective within an entertainment venue at a hand held device, said system comprising:

a receiver adapted for wirelessly receiving data at a wireless hand held device including more than one video stream from more than one visual perspective transmitted from more than one venue-based data source at the entertainment venue;

a processor adapted to process said venue-based data for display at said hand held device; and

a display screen adapted for simultaneously displaying the venue-based data processed by the processor, wherein said display screen is associated with said hand held device, thereby enabling a user of said hand held device to view the more than one video stream.

34. A system for receiving more than one video perspective of a venue-based activity at a hand held device, said system comprising a hand held device including:

at least one receiver for simultaneously receiving more than one video perspective of a venue-based activity simultaneously transmitted from more than one venue-based video data source; and

a processor adapted to process said more than one video perspective for simultaneous display on a display screen associated with said hand held device.

35. A system for displaying a particular video perspective of a venue-based activity at a hand held device, said method comprising:

at least one receiver simultaneously receiving at a hand held device a plurality of video perspectives of a venue-based activity simultaneously transmitted from more than one venue-based data source located at an entertainment venue;

a processor processing said plurality of perspectives for display on a display screen associated with said hand held device; and

a display screen displaying a particular video perspective on said display screen in response to a user selection of said particular video perspective from among said plurality of video perspectives.

B. Legal Standard - Requirements for Prima Facie Obviousness.

The obligation of the Examiner to go forward and produce reasoning and evidence in support of obviousness under 35 U.S.C. §103 is clearly defined at M.P.E.P. §2142:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

M.P.E.P. §2143 sets out the three basic criteria that a patent examiner must satisfy to establish a *prima facie* case of obviousness necessary for establishing a rejection to a claim under 35 U.S.C. §103:

1. some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
2. a reasonable expectation of success; and
3. the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined).

It follows that in the absence of such a *prima facie* showing of obviousness under 35 U.S.C. §103 by the examiner (assuming there are no objections or other grounds for rejection), an Applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992).

Thus, in order to support an obviousness rejection under 35 U.S.C. §103, the Examiner is obliged to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met. If the Examiner fails to produce such a conclusion for each of the aforementioned criteria, the rejection must be withdrawn.

C. Claims 1-7, 11-17, 19, 21-25, 27-28, and 30-40 are not obvious and are patentable over Strandwitz in view of DeLuca.

In rejecting independent claims 1, 16, 19, 33, 34 and 35, The Examiner argues that "Strandwitz discloses a method for receiving venue-based data at a hand held device." Acknowledging that Strandwitz does not operate in an entertainment venue, the examiner combines Strandwitz with DeLuca for the rejection, arguing that "DeLuca teaches entertainment or sport such as baseball capture and transmit video alerts and displayed at hand held device (110)". The rejection is respectfully traversed.

The Examiner relies on figure 7 of Strandwitz as the basis for his argument. Figure 7 from Strandwitz is shown below:

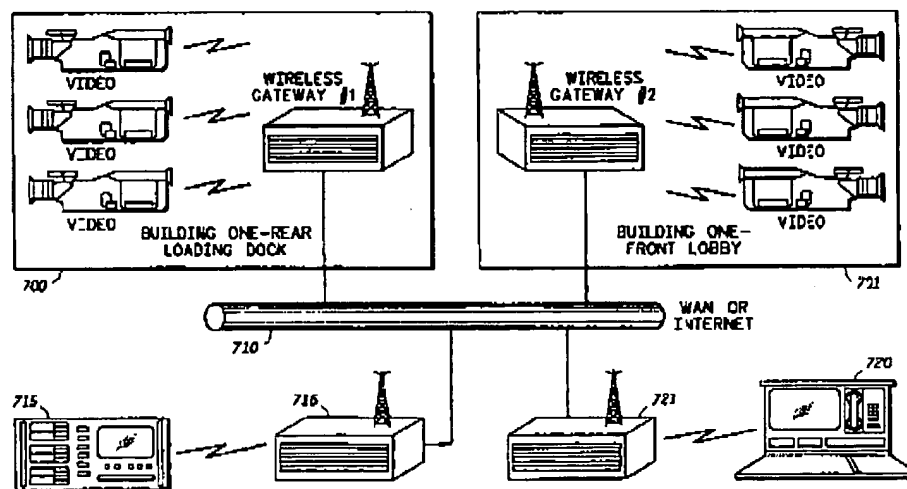


FIG. 7

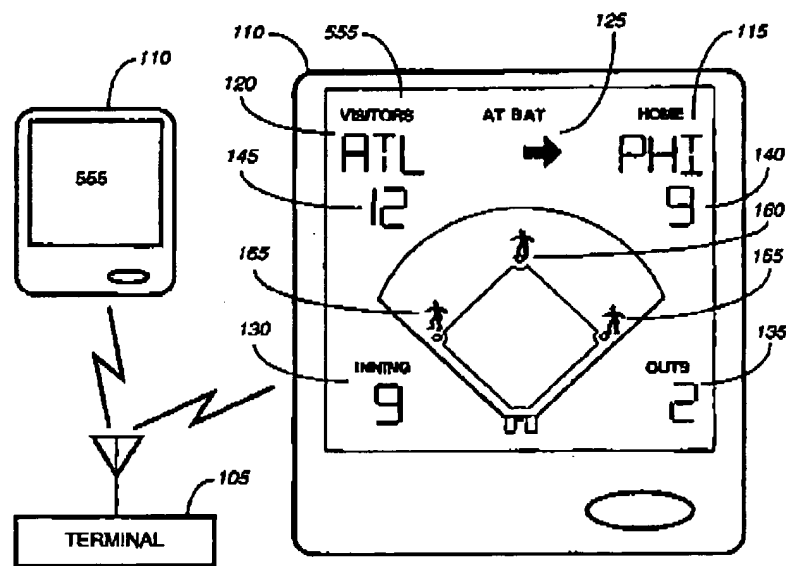
The Examiner has previously attempted to identify Item 715 as a hand held device, and environments 700 and 701 as entertainment venues. Item 715 clearly

is not a hand held device. A close look at the device referred to as "hand held" by examiner is more akin to an electronic device that can be moved with the two handles illustrated at each side of the front panel shown therein. *Strandwitz* certainly does not teach a hand held device as described by Applicants. Item 715 appears in illustration to be more of a table top or rack mounted electronic device not likely to be held in a user's hand for use at the user's seat in an entertainment venue such as football stadiums, soccer stadiums, boxing arenas, wrestling arenas, car racing stadiums, horse racing stadiums, golf courses and concert halls.

Examiner acknowledges now that *Strandwitz* is related to the field of security monitoring. The examiner describes *Stradwitz's* Figure 7, items 700 and 701 as teaching the capture of video from a "security venue." However, the Examiner continues in error by maintaining that *Strandwitz* discloses methods or systems receiving video streaming "simultaneously" from more than one visual perspective within the "security venue" or the front lobby and loading dock shown in Figure 7. Figure 7 does not show simultaneous display as suggested by Examiner; nevertheless, display of video is not to a hand held device at an entertainment venue. Furthermore, *Strandwitz* is not teaching within the field of "entertainment." In fact the only application taught in *Strandwitz* is in the field of conducting "physical security." For most people, including those skilled in the ordinary art, security monitoring of property is not entertainment. Entertainment (e.g., a football game or a concert) and security (e.g., a security guard watching monitors showing camera images taken at fixed points around a building) are two very different fields of use to most people including the skilled in the art.

Despite Examiners reference to "simultaneous video" in the office action, *Strandwitz* does not teach or suggest viewing of simultaneous video on a hand held device, which is a critical element necessary to render Applicants' invention obvious. Examiner has not specifically pointed out where in the *Strandwitz* reference that simultaneous video monitoring is taught or described. Observation of Figure 7 in the *Strandwitz* patent clearly shows that it does not show a system that is simultaneously displaying video. Appellants, by contrast to *Strandwitz*, specifically show within their FIG. 7 how simultaneous video can be shown on a display screen of a hand held device for selection of a single image by a user.

DeLuca is cited in hopes of bringing Strandwitz into the entertainment field because Strandwitz lacks any reference to the field of entertainment. The problem is that DeLuca does not teach the use of video captured from multiple perspectives within an entertainment venue for display on a hand held device. DeLuca merely teaches a hand held system capable of receiving text messages about an event. Nowhere in DeLuca is the concept of video transmission from more than one perspective taught or suggested. The section of DeLuca that is cited by Examiner as teaching the retrieval and transmission of video data through a wireless network is Column 5, lines 10-29 and figure 1. Figure 1 reveals the following:



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FIG. 1

Column 5, lines 10-29 states the following:

The receiver 110 includes a display 555 which preferably displays the entire status of the game. It includes identifiers indicating the home and away teams 115, 120 and which team is at bat 125. Also indicated is the inning number 130, the number of outs 135, and the home and visitor scores 140, 145. Furthermore, the display includes the shape of a baseball diamond, as shown, with icons 155, 160, 165 for indicating the status of runners on first, second, and third bases.

Thus, display 555 allows the user to observe the entire status of the game on a single screen.

Nowhere in the description is any reference made to "video". DeLuca lacks any teaching of video capture, video display, simultaneous display, video selection, etc., as taught by Applicants.

In summary, *Strandwitz* in combination with *DeLuca* do not teach, or even suggest, enabling a user of a "hand held device" with the ability to simultaneously receive and view video perspectives from more than one video perspective of an "entertainment venue". Also, *Strandwitz* is directed to an entirely different field of use than entertainment. *Strandwitz* is directed to a "security" device used for "security monitoring" of property, but does not teach use of equipment for "entertainment" purposes. One skilled in the art, even when armed with *DeLuca's* limited messaging capabilities, would not be motivated to combine *DeLuca* with *Strandwitz*, which clearly lacks simultaneous display, the use of hand held devices and any relationship to entertainment, to come up with Applicants' invention as claimed in independent claims 1, 16, 19, 33, 34 and 35.

Dependent claims 2-7, 11-15, 21-25, 27-28, 30-32, 33, and 36-40 stand or fall based on their dependence of respective claims 1, 16, 19, 33, 34 and 35.

Based on the foregoing, the Applicants submit that the rejection to the claims as obvious 35 U.S.C. § 103(a) based on *Strandwitz* in view of *DeLuca* fails to meet all the elements of a *prima facie* case of obviousness. Applicants therefore respectfully request reconsideration of the rejection to claims.

D. Claim 17 is not obvious and is patentable over Strandwitz in view of DeLuca and further in view of Harris.

Claims 17 as amended reads as follows:

17. A method for receiving at least one visual perspective of a venue-based activity at a hand held device, said method comprising the steps of:

simultaneously receiving at a hand held device more than one visual perspective of a venue-based activity in a form of more than one video signal transmitted from at least one venue-based data source at an entertainment venue;

processing said at least one visual perspective for simultaneous display as more than one video signal on a touch-sensitive display screen associated with said hand held device;

simultaneously displaying said more than one visual perspective on said touch-sensitive display screen, thereby enabling a user of said hand held device to simultaneously view more than one venue-based visual perspectives through said hand held device in the form of video; and

displaying a single visual perspective on said display screen in response to a user's selection of said single visual perspective from among said more than one visual perspective being simultaneously displayed on the touch-sensitive display screen after the user touches the touch-sensitive display screen at a point where the touch-sensitive display screen overlays the single visual perspective.

The above arguments made in favor of independent claim 17, with respect to *Strandwitz* and *DeLuca*, are incorporated herein. Claims overcomes obviousness argument based on *Strandwitz* and *DeLuca* because *Strandwitz* in combination with *DeLuca* do not teach, or even suggest, enabling a user of a "hand held device" with the ability to simultaneously receive and view video perspectives from more than one video perspective of an "entertainment venue". Also, *Strandwitz* is directed to an entirely different field of use than entertainment. *Strandwitz* is directed to a "security" device used for "security monitoring" of property, but does not teach use of equipment for "entertainment" purposes. One skilled in the art, even when armed with *DeLuca's* limited messaging capabilities, would not be motivated to combine *DeLuca* with *Strandwitz*, which clearly lacks simultaneous display, the use

of hand held devices and any relationship to entertainment, to come up with Applicants' invention as claimed in independent claims 1, 16, 19, 33, 34 and 35.

Examiner further cites to *Harris* in arguing that claim 17 is obvious stating that "Harris teaches touching the touch screen display (column 5, lines 45-59 and figure 1)." The Examiner believes it would have been obvious to an artisan of ordinary skill in the art at the time of the invention was made to modify the *Strandwitz* and *DeLuca* systems by incorporating a sensing circuit at the display as taught by Harris. Applicants respectfully disagree.

Harris teaches a radiotelephone. Even though Harris teaches touch sensitive screens for its hand held device, Harris does not teach, or even suggest, enabling a user of a hand held device with the ability to simultaneously receive and view video perspectives from more than one video perspective captured by cameras at an "entertainment venue". Including Harris with *Strandwitz* and *DeLuca* does not overcome the fact that none of the reference teach simultaneous video display on a hand held device. None of the reference teach the capture and simultaneous display of video at an entertainment venue. All the references fail to teach Applicants invention as claimed; in particular, the references fail to teach "displaying a single visual perspective on said display screen in response to a user's selection of said single visual perspective from among said more than one visual perspective being simultaneously displayed on the touch-sensitive display screen after the user touches the touch-sensitive display screen at a point where the touch-sensitive display screen overlays the single visual perspective" as taken word for word from claim 17.

Based on the foregoing, the Applicants submit that the rejection to the claim 17 as obvious under 35 U.S.C. § 103(a) based on *Strandwitz* in view of *DeLuca* and further in view of *Harris* fails to meet all the elements of a *prima facie* case of obviousness. Applicants therefore respectfully request reconsideration of the rejection to claim 17.

IV. CONCLUSION

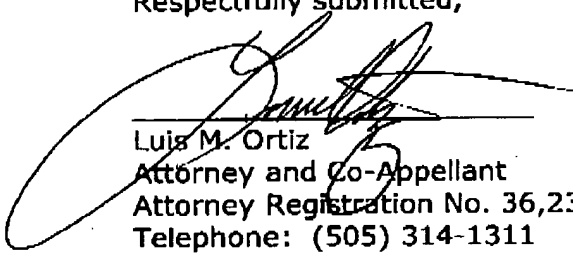
Appellants respectfully submit that their amendments and well as their remarks support that the rejected claims are allowable.

Appellants now respectfully request reconsideration of the claims and that the claims as amended now are passed into early issuance.

The examiner is encouraged to contact the undersigned in order to expedite prosecution of the application.

Respectfully submitted,

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